

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEVIN W. DICK,
716 South 32nd Street
Mattoon, IL 61938

Plaintiff,

v.

ILLINOIS CENTRAL RAILROAD
COMPANY, d/b/a CANADIAN
NATIONAL/ILLINOIS CENTRAL
RAILROAD (CN/IC)

SERVE: CT Corporation
Registered Agent
208 S. LaSalle St., Suite 814
Chicago, IL 60604-1101

) Cause No.:

)
) Judge:

)

)

)

)

)

)

)

)

)

)

)

)

)

COMPLAINT

COUNT I

Now comes the plaintiff, Kevin W. Dick, by his attorneys, Holland, Groves & Schneller, L.L.C., and for Count I of his cause of action against the defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, alleges as follows:

1. That this action is being brought against the defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, pursuant to the provisions of the Federal Employers' Liability Act, Title 45 U.S. Code, Section 51, et seq.

2. That at all times hereinafter mentioned, the defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, was a common carrier in interstate transportation and commerce by railroad.

3. The defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, was involved in business throughout the Southern District of Illinois, and did have tracks in the Southern District of Illinois.

4. Upon information and belief, defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, is the successor-in-interest and/or successor-in-liability to Illinois Central Railroad.

5. At all times pertinent hereto, the plaintiff, Kevin W. Dick, was employed by the defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, as a track man, and was engaged by the defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, in the furtherance of its business interests and movement of freight in interstate and foreign commerce within the meaning of the Federal Employers' Liability Act, 45 U.S.C. § 51 et seq.

6. At all times relevant herein, the plaintiff, Kevin W. Dick, resided at 716 South 32nd Street, Mattoon, IL 61938, Coles County, Illinois.

7. This Court has proper jurisdiction as established pursuant to 45 U.S.C. §56.

8. At all times pertinent hereto, the property, equipment, materials and operations involved in the injuries sustained by the plaintiff, Kevin W. Dick, were owned by the defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, and/or was under the direct and exclusive control of the defendant, Illinois Central Railroad Company, d/b/a Canadian National/Illinois Central Railroad (CN/IC), a corporation, its servants, agents and/or employees.

9. On or about April 24, 2006, and while employed by the defendant, the plaintiff was caused to be injured while working on a crane and the machine derailed.

10. Plaintiff states that his injuries and damages resulted in whole or in part from the negligent acts or omissions of the defendant in one or more of the following particulars:

- a) Defendant failed to provide plaintiff with a reasonably safe place to work; or
- b) Defendant failed to provide reasonably safe conditions for work; or
- c) Defendant failed to provide reasonably safe methods of work; or
- d) Defendant failed to provide reasonably safe equipment.

11. As a result, in whole or in part, of the aforementioned conduct of the defendant, the plaintiff was caused to suffer the following serious, painful, and permanent injuries, to-wit: Plaintiff suffered injuries to his back, among other things; Plaintiff suffered and will continue to suffer pain and mental anguish; Plaintiff was caused to undergo surgery, medical treatment, tests, therapy and will require future medical treatment; Plaintiff has lost wages, fringe benefits and will in the future lose further such wages and fringe benefits and/or loss of earning capacity; Plaintiff has expended or obligated himself for necessary and reasonable medical expenses and hospital care and will in the future be caused to expend further such sums for medical treatment. Plaintiff has suffered pain and suffering and will in the future have pain and suffering as a result of defendant's negligence. Plaintiff's ability to work, labor, and enjoy the normal pursuits of life has been impaired and lessened all to plaintiff's damage.

WHEREFORE the plaintiff, Kevin W. Dick, prays for a money judgment in his favor and against the defendant, Illinois Central Railroad Company, d/b/a Canadian

National/Illinois Central Railroad (CN/IC), a corporation, for an amount in excess of Seventy Five Thousand Dollars (\$75,000), together with the costs and the disbursements of this action and for any further relief this Court deems appropriate.

DATED: July 28, 2006

s/GERARD B. SCHNELLER - 6205863
HOLLAND, GROVES & SCHNELLER
300 N. Tucker Blvd., Suite 801
St. Louis, MO 63101
Attorneys for Plaintiffs